



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Ms. Allyn Turner, Director  
Division of Water and Waste Management  
West Virginia Department of Environmental Protection  
414 Summers Street  
Charleston, West Virginia 25301

Dear Ms. Turner:

According to the Consent Decree (entered by the United States District Court for the southern District of West Virginia on July 9, 1997) and Settlement Agreement for the case OVEC Inc., et al., V. Browner, et al., the U.S. Environmental Protection Agency (EPA) has established final Total Maximum Daily Loads (TMDLs) for 66 waterbodies including the Upper and Lower Guyandotte River and 64 tributaries. For this TMDL report, the Lower Guyandotte River and Upper Guyandotte River watersheds were combined into a single watershed called the Guyandotte River watershed. The TMDLs are for mine drainage and fecal coliform bacteria impaired waterbodies in the Guyandotte River watershed. EPA has established these TMDLs to satisfy its obligation of Joint Notice of Modification of Consent Decree to extend deadline entered into and filed in September 2002.

In accordance with Federal regulations found in 40 CFR §130.7, a TMDL must: (1) be designed to meet water quality standards, (2) include, as appropriate, both wasteload allocations for point sources and load allocations for nonpoint sources, (3) consider the impacts of background pollutant contributions, (4) take critical stream conditions into account (the conditions when water quality is most likely to be violated), (5) consider seasonal variations, (6) include a margin of safety (which accounts for any uncertainties in the relationship between pollutant loads and instream water quality), (7) reasonable assurance that the TMDLs can be met and, (8) be subject to public participation. The TMDLs for the Guyandotte River watershed satisfy all statutory and regulatory requirements.

Following the establishment of these TMDLs, the West Virginia Department of Environmental Protection shall incorporate these TMDLs into the State's Water Quality Management Plan pursuant to 40 CFR §130.7(d)(2). As you know, any new or revised National Pollution Discharge Elimination System permits, with applicable effluent limits, must be consistent with the TMDL's wasteload allocation pursuant to 40 CFR §122.44(d)(1)(vii)(B)(2). Any such permit should be submitted to EPA for review consistent with EPA's letter dated October 1, 1998.

Enclosed, please find the final TMDL report for the Guyandotte River watershed, copies of comment letters, and a responsiveness summary. A compact disk with the final TMDLs is also included. The final TMDLs will also be available on our web site at <http://www.epa.gov/reg3wapd/tmdl/>.

If you have any questions concerning the final TMDLs, please contact Ms. Jennifer Sincock, West Virginia TMDL Coordinator at (215) 814-5766 or Mr. Thomas Henry, TMDL Program Manager at (215) 814-5752.

Sincerely,

/s/ 3-30-04

Jon M. Capacasa, Director  
Water Protection Division

Enclosures

cc: Ms. Evelyn S. MacKnight, EPA  
Mr. Patrick Campbell, WVDEP  
Ohio Valley Environmental Coalition  
West Virginia Highlands Conservancy  
Appalachian Research and Defense Fund, Inc.  
Ms. Ryan Alexander, Esquire  
Mr. David L. Yaussy, Esquire  
Mr. David M. Flannery, Esquire  
Mr. Jeffrey K. Towner, U.S. Fish and Wildlife Services  
Mr. Daniel Ramsey, U.S. Fish and Wildlife Services  
Mr. Alan Vicory, Ohio River Valley Sanitation Commission  
Mr. Jason Heath, Ohio River Valley Sanitation Commission